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E-filed 5/5/06

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 05-0727 JF
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING AND EXCLUDE TIME;
13 v.)	[PROPOSED] ORDER
)	
14 SERGIO FIGUEROA CASTANEDA,)	
)	
15 Defendant.)	
_____)	

16
17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Wednesday, May 3, 2006, at 9:00 a.m., be continued to Wednesday, June 28, 2006, at 9:00 a.m.
20 The continuance is requested because the defense preparation and investigation is ongoing.
21 Specifically, the defense requires additional time to work with attorneys retained by Mr.
22 Figueroa's family to address related matters in immigration court and state criminal court.
23 Specifically, Mr. Figueroa is attempting to obtain post-conviction relief in state court, and if he is
24 successful in overturning or modifying a prior conviction, he may have grounds to reopen his
25 deportation proceedings.

26 The parties further agree that time should be excluded under the Speedy Trial Act until

1 the next hearing of this matter because the defense requires time for investigation and
2 preparation, and the ends of justice outweigh the defendant's and the public's need for a speedy
3 trial.

4 Dated: 5/1/06

_____/s/_____
LARA S. VINNARD
Assistant Federal Public Defender

6 Dated: 5/1/06

_____/s/_____
SUSAN KNIGHT
Assistant United States Attorney

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 UNITED STATES OF AMERICA,) No. CR 05-0727 JF
10)
11 Plaintiff,) **[PROPOSED] ORDER CONTINUING**
12 v.) **HEARING AND EXCLUDING TIME**
13)
14 SERGIO FIGUEROA-CASTENADA,)
15)
16 Defendant.)
17)
18)
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27 The parties have jointly requested a continuance of the hearing set for May 3, 2006, on
28 grounds that defense investigation and preparation is ongoing. Specifically, the defense
29 continues to work with other attorneys retained by Mr. Figueroa's family in efforts to obtain
30 relief for Mr. Figueroa through proceedings in state and immigration court.

31 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
32 presently set for May 3, 2006, be continued to June 28, 2006, at 9:00 a.m.

33 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
34 from May 3, 2006, to June 28, 2006, shall be excluded from the period of time within which trial
35 must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

36 Dated: 5/3/06


JEREMY FOEL
United States District Judge